THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION NO.25088 OF 2005

24.11.2005

Between:

1. C. Bujjamma, W/o. Sri Ramu
and others

…Petitioners

AND

1. The Government of Andhra Pradesh, represented by its Secretary,

Revenue (Assignments) Department
and others

…Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.25088 OF 2005

ORDER:

Fifty seven persons of Oteru village, Tirupathi Rural Mandal, Chittoor District are the petitioners herein. They seek a writ of Mandamus declaring the action of the respondents in trying to dispossess them from the lands without due process of law as illegal and arbitrary. They allege that all of them occupied Government land in survey Nos.485, 486 and 487 of Oteru village and constructed semi-permanent houses and residing since 2000. They also allege that they have been paying regularly electricity charges and house tax to the Panchayat. This writ petition is filed alleging that on 20.11.2005, the fourth respondent along with other officials threatened to demolish the houses and evict the petitioners from the land forcibly. In support of their contention that they are in possession of the land, they placed before this Court Xerox copies of the ration card which stands in the name of petitioner No.25 and tax receipt which stands in the name of petitioner No.39.

At the preliminary stage of hearing itself, the learned Assistant Government Pleader for Revenue (Assignment) obtained instructions in the matter from the fourth respondent. As per these instructions, the land comprised in survey Nos.486 and 487 is classified as Kalva Poramboke and the land in survey No.485 is classified as assessed waste dry land covered by residential houses of Oteru village. It is further stated that the land in survey No.486 to an extent of Acs.0.50 each was allotted to Rajakas for construction of dhobi ghats and as per the proceedings of the District Collector, Chittoor dated 15.11.2005, Rajakas took possession and dug bore wells and constructing tubs to use them as dhobi ghats. The allegation that the petitioners are in possession and raised construction is denied.

Learned Counsel for the petitioners while reiterating the contentions of the affidavit accompanying the writ petition also produced copies of electricity bills and municipal tax receipts. As rightly pointed out by the learned Assistant Government Pleader the tax receipts do not contain any house number, the ration card does not show the name of the village and the ration card is for the period of 1998-2003. Therefore, the writ petition must be held to have been filed without any factual foundation. However, as it is admitted by the learned Assistant Government Pleader that as there are houses in survey No.485, which is classified as assessed waste dry land, the petitioners, those who are residing in survey No.485, shall not be evicted without any due process of law.

The writ petition, with the above observations and directions, is dismissed. No costs.

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(**V.V.S.RAO, J**)

November 24, 2005.

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Note:

Issue order copy by

26.11.2005.

(B/o)

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